April 7, 2008

1	April /	,			
	UNITED STATES DISTRICT COURT	1	APPEARANCES(Cor	t'd.)	
2	NORTHERN DISTRICT OF CALIFORNIA	2			
3	000				
4	PINOLEVILLE POMO NATION,)	3	For the Defendant, RICHARD MAYFIELD:		
-	et al.,	4	Law Offices of HANS W HERR		
5)	*	Law Offices of HANS W. HERB Post Office Box 970		
•	Plaintiffs,)	5	Santa Rosa, California 95402		
6)				
_	vs.) Case No. C-07-2648 SI	6	By: HANS W. HERB, Esq.		
7)	l -			
	UKIAH AUTO DISMANTLERS,)	7			
8	et al.,	8	Also Present:		
_)	"	Also Fresent.		
9	Defendants.)	9	MARCY BARRY		
_)	1	DAVID EDMUNDS		
0		10	WAYNE HUNT		
1		11	RYAN MAYFIELD GEORGE PROVENCHER		
2			HALEY WEBB		
3		12	HANNAH WEBB		
4	DEPOSITION OF ALICIA WEBB		LEONA WILLIAMS		
5	Monday, April 7, 2008	13			
6	1:32 p.m.	14			
7					
8		15			
9		1.0			
0	Reported by:	16			
1	LUEL J. SIMSON, CSR No. 4720	17			
2		18			
3	<u></u>	19			
	SIMSON REPORTING	20			
4	Certified Shorthand Reporters	21			
	2200 Range Avenue, Suite 102	23			
5	Santa Rosa, California 95403	24			
	(707) 578-7580	25			
	57				59
1	BE IT REMEMBERED THAT, pursuant to Notice of	1	INDEX		
2	Taking Deposition of Person Most Knowledgable and Demand	2			
3	for Documents, on Monday, April 7, 2008, commencing at the	3	WITNESS: P	AGE	
4	hour of 1:32 p.m., thereof, at the Law Offices of	4	ALICIA WEBB		
5	CHRISTOPHER J. NEARY, 110 South Main Street, Suite C,	5	Examination by Mr. Herb	62	
6	Willits, California, before me, LUEL J. SIMSON, CSR	6	Examination by Mr. Neary	83	
7	No. 4720, State of California, personally appeared:	7	Further Examination by Mr. Herb	99	
8	117077 11700	8	Examination by Mr. Biggs	105	
9	ALICIA WEBB,	9		107	
0	called as a witness by the Defendant RICHARD MAYFIELD; who,	1.000	Further Examination by Mr. Neary		
1	having been duly sworn by me, was thereupon examined and	10	Further Examination by Mr. Biggs	111	
2	testified as is hereinafter set forth:	11			
3	00o	12			
4 5	APPEARANCES	13	DEFENDANTS' EXHIBITS:		
6	For the Plaintiffs:	14	 Four-page Notice of Taking 	61	
0	BIGGS LAW, PC Post Office Box 454		Deposition of Person Most		
		1	Vanuladaable and Damand		
7		15	Knowledgable and Demand		
7	Petaluma, California 94953	15	for Documents		
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8	Petaluma, California 94953	16	for Documents 2 One-page handwritten list of	79	
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8	Petaluma, California 94953 By: MICHAEL S. BIGGS, Esq.	16 17	for Documents 2 One-page handwritten list of names		
8	Petaluma, California 94953 By: MICHAEL S. BIGGS, Esq. For the Defendant, UKIAH AUTO DISMANTLERS, WAYNE HUNT and	16	for Documents 2 One-page handwritten list of names 3 Six pages of Environmental	79 83	
8 9 0	Petaluma, California 94953 By: MICHAEL S. BIGGS, Esq.	16 17 18	for Documents 2 One-page handwritten list of names 3 Six pages of Environmental Commission Meeting Minutes		
8 9 0	Petaluma, California 94953 By: MICHAEL S. BIGGS, Esq. For the Defendant, UKIAH AUTO DISMANTLERS, WAYNE HUNT and U.S. ALCHEMY CORPORATION:	16 17	for Documents 2 One-page handwritten list of names 3 Six pages of Environmental Commission Meeting Minutes dated July 2007, August 2007,		
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April 7, 2008

		,	GREA	
1	(Defendants' Exhibit No. 1 was	1	Contract and Indiana	or the most knowledgable person to appear here for
	marked for identification.)	2	the Asso	
2		3		Have you reviewed the Notice of Taking a
3	MD UEDD. The first thing we have to do before	4	Depositi	
	MR. HERB: The first thing we have to do, before	5	222	What's that?
5	we swear the witness, is the court reporter is required to	6	Q.	I'm going to show you what we've marked as
6	record the name of everybody who is present. So if we	7	Defenda	nts' Exhibit No. 1, which is the Notice of Taking of
7	could go around the room and identify ourselves so that we	8	Depositi	on.
8	can put it on the record.	9		Have you seen that document before?
9	MR. NEARY: Starting with me, I'm Christopher	10	A.	No.
10	Neary, appearing for Ukiah Auto Dismantlers and Wayne Hunt.	11		MR. BIGGS: By the way, if I may jump in. Could
11	MR. HERB: And I'm Hans Herb; I'm here on behalf	12	you plea	se speak in a very loud voice.
12	of Rick Mayfield.	13	(0)	THE WITNESS: Okay.
13	DAVID EDMUNDS: David Edmunds, Environmental	14		MR. BIGGS: Because this is the Certified
14	Director of Pinoleville Pomo Nation.	15	Shortha	nd Reporter and she has to take down every word you
15	GEORGE PROVENCHER: George Provencher, Director of	16		she has to hear you precisely.
16	Tribal Operations.	17	say and	THE WITNESS: Okay.
17	LEONA WILLIAMS: Leona Williams, Tribal	20,730		the reserved by a
18	Chairperson of Pinoleville Pomo Nation.	18		MR. BIGGS: Thank you.
19	ALICIA WEBB: Alicia Webb, Environmental	19		Thank you, Mr. Herb.
20	Association.	20		THE WITNESS: No, I've never seen it.
21	RYAN MAYFIELD: Ryan Mayfield.	21	BY MR. I	
22	MR. BIGGS: Michael Biggs, attorney for	22		You understand you're here because there's a
23	plaintiffs, et al.	23	lawsuit 1	filed by an association that you're a part of?
24	WAYNE HUNT: Wayne Hunt.	24	A.	Yes.
25	MARCY BARRY: Marcy Barry.	25	Q.	Have you read the lawsuit?
	61			63
1	MR. HERB: I'm sorry, but we have to have the	1	Α.	Yes.
2	ALICIA WEBB: Okay. Hannah Webb; H-a-n-n-a-h.	2	Q.	Is there anything that's contained in the papers
3	MR. NEARY: What's her age?	3	that hav	e been filed for the lawsuit that's inaccurate or
4	ALICIA WEBB: Six.	4	incorrec	t?
5	MR. NEARY: Hi, Hannah.	5	Α.	That is inaccurate or what did you say?
6	ALICIA WEBB: And Haley, H-a-l-e-y. She's two and	6	Q.	Inaccurate or incorrect.
7	a half.	7	Α.	Not that I'm aware of.
8	MR. NEARY: Haley. You're the one we're going to	8	Q.	So everything in the Complaint that your
9	want to question.	9	associat	ion has filed is true?
10	MR. HERB: Okay. I guess we're ready to swear the	10	Α.	Yes.
11	witness.	11		Before I get to the specific allegations, what I'd
12	muless.	12		o is take a few minutes to go over the ground
13	ALICIA WEBB,	13		this deposition with you and then to go over a
14	having been first duly sworn, was	14		your background so we can understand your ability
15	examined and testified as follows:	15		us testimony here today.
16	examined and testined as follows.	(5.00)	to give i	28-59-10 CARRON VAN SCHOOL PARAMETER VAN SCHOOL SCH
		16		What is your age?
17	EXAMINATION	17		Thirty-one.
18	BY MR. HERB:	18		What is your educational background, beginning
19	Q. Could you state your name, please.	19		h school?
20	A. Alicia Webb.	20	A.	A graduate from high school, graduate of two-yea
21	Q. Ms. Webb, have you ever had your deposition taken	21	college	60
22	before?	22	Q.	Which two-year college?
	A. No.	23	A.	Western Institute of Science and Health, in
23		1		
23 24	Q. You are appearing in this case pursuant to a	24	Rohner	t Park.
	Q. You are appearing in this case pursuant to a Notice of Deposition that I filed on behalf of my client	24 25	A STATE OF THE STA	t Park. When was that?

PINOLEVILLE POMO NATION, et al. vs. UKIAH AUTO DISMANTLERS, et al.

Deposition of PMK--Pinoleville Pomo Nation Environmental Association April 7, 2008

	April	1		
1	A. I graduated I believe it's '98.	1	Q. Well, if you haven't had your deposition taken	
2	Q. Have you been to any other schools?	2	before, let me just tell you a little bit about the	
3	A. Just Santa Rosa J.C., for a semester.	3	process. We're all here in a conference room in	
4	Q. So other than high school and the schools you've	4	Mr. Neary's office, but the testimony you're giving today	
5	referred to, you haven't been to any other special	5	is the same as if you were giving it in court.	
6	training?	6	There's no judge here to rule on any kind of	
7	A. No.	7	motions or objections, so what we'll do is, if there's	
8	Q. Have you ever been employed?	8	something that's disagreeable, one or more of these lawyers	
9	A. Yes.	9	may impose an objection, say, "I object to that." But	
10	Q. Where was your employment, starting from your	10	since there's no one here to answer the objection, what	
11	first employment?	11	will happen is then you'll answer the question and later	
12	A. Let's see. High school, I worked for Healdsburg	12	on, if the judge rules that the objection should be	
13	Physical Therapy as an aide. And then, after high	13	sustained, then the testimony will be stricken.	
14	school because I did that through high school I also	14	A. Uh-huh.	
15	worked as a bellhop at Madrona Manor for a short period.	15	Q. Our purpose in taking the deposition today is to	
16	And then I worked after high school for Sanderson Ford just	16	try to find out information regarding the lawsuit that	
17	shortly. I worked at the Healdsburg Animal Shelter. And	17	you've filed against my client.	
18	that's it.	18	A. Uh-huh.	
19	Q. Have you ever worked for the Pinoleville Tribe	19	Q. I am going to ask you questions and, when you	
20	before?	20	respond, as you just did by an "Uh-huh" or an "Huh-uh"	
21	A. Not worked. Just volunteer or	21	A. Uh-huh.	
22	Q. Okay. So other than the jobs you've described, is	22	Q it's hard for the court reporter to take that	
23	there anywhere else that you've worked?	23	down, so I'm going to ask, if possible	
24	A. And, you know, also when I graduated college, I	24	A. Okay.	
25	started my own business of home care for seniors so I was	25	Q that you complete wait until I complete my	
	65		67	
4	self-employed.	1	question and then answer outward affirmatively.	_
1	Sen-employed.		question and their answer outward annimatively.	
2	Q. Do you have any licenses other than a driver's	2	A. Okay.	
			Company of the Compan	
2	Q. Do you have any licenses other than a driver's	2	A. Okay.	
2	Q. Do you have any licenses other than a driver's license?	2	A. Okay.Q. Sometimes it's hard to get used to it, but just	
2 3 4	 Q. Do you have any licenses other than a driver's license? A. No. Business license. Q. What kind of business license? 	2 3 4	A. Okay. Q. Sometimes it's hard to get used to it, but just imagine if someone is writing down everything we're saying,	
2 3 4 5	 Q. Do you have any licenses other than a driver's license? A. No. Business license. Q. What kind of business license? A. Just for what I my home care for seniors. 	2 3 4 5	A. Okay. Q. Sometimes it's hard to get used to it, but just imagine if someone is writing down everything we're saying, which is what's happening; if we're both talking at the	
2 3 4 5 6	 Q. Do you have any licenses other than a driver's license? A. No. Business license. Q. What kind of business license? A. Just for what I my home care for seniors. Q. And is that your current occupation? 	2 3 4 5 6	A. Okay. Q. Sometimes it's hard to get used to it, but just imagine if someone is writing down everything we're saying, which is what's happening; if we're both talking at the same time, it's hard to get that recorded. Also, it's natural for people to anticipate what	
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24

25

him.

68

A. My dad asked if I wanted to be on the board with

24

25

A. No.

Q. Did you ever live in the Pinoleville reservation?

	April	7, 20	008
1	Q. And who is your father?	1	Q. Okay. So you agreed to become a member of the
2	A. Don Williams.	2	Association?
3/	Q. And is Don Williams also known as	3	A. Yes, yes.
4	A. Don Smith Williams.	4	Q. And then what did you have to do to be a member of
5	Q. Yes. And is Don Williams related to Leona	5	the Association?
6	Williams?	6	A. Nothing. Just come to our first meeting and
7	A. Yes.	7	Q. When was the first meeting?
8	Q. What is the relationship?	8	A. I believe it was in June.
9	A. Brother, sister.	9	Q. Of '06?
10	Q. So you're Chairperson Williams' brother's	10	A. Yeah. The month he asked me, I believe that's
111	daughter?	11	when it was.
12		12	Q. Where was the meeting?
13	Q. Do you have any other brothers or sisters?	13	A. At the tribe, the tribal office.
14	A. Yes.	14	Q. On Pinoleville Road?
15	Q. What are their names?	15	A. Yes.
16	A. Donna Williams, Carrie Williams, Joseph Williams,	16	Q. How many people were there?
17	Sheryl Dominguez and Theresa Williams.	17	A. Four.
18	Q. Do you know if they're members of the Association,	18	Q. Who were they?
19	too?	19	A. David Edmunds, Erica, my dad, and I.
20	A. No.	20	Q. How long did the meeting last?
21	Q. No, they're not?	21	A. Probably about 45 minutes or so, I think.
22	A. They are not, no.	22	Q. What was
23	Q. And when your father asked you to be a member of	23	A. I think I can look at I think I have this in my
24	the Association, what did he say?	24	minutes, if you'd like me to look.
25	A. He just said do I want to be involved with the	25	Q. Okay. Let me ask you this, while you're looking
-55			
	69	- 1	71
1	tribe, and I said, "Yes." And he said, you know, "We're	1	at your notes there. Did you look at any other documents
1 2		1 2	
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April 7, 2008

	PRINCE OF THE PR	<u> </u>		
1	I'm not trying to trick you with any of these	1	That's what we discussed.	
2	questions	2	Q. Okay. A couple of things you said. "Near our	
3	A. Yeah, yeah.	3	reservation." Are you a member of the tribe?	
4	Q I'm just trying to find out we asked for	4	A. Yes.	
5	documents to be produced and you're bringing documents	5	Q. And then was there any discussion at that point	
6	MR. BIGGS: Mr. Herb, you can have copies of	6	about existing environmental problems on the reservation?	
7	those.	7	A. Yes.	
8	MR. HERB: All right.	8	Q. What were those discussions?	
9	Q. So what was discussed at the first meeting?	9	A. The wrecking yard right outside the offices where	
10	A. Can I look, then?	10	it was brought up the drums, the 50-gallon drums, I	
11	Q. Sure.	11	guess is how big it is, of hazardous material.	
12	A. I don't know.	12	Q. What was the discussion about them?	
13	I believe I know that we we started talking	13	A. Just that they're near our premises and, if	
14	about hazardous materials. David had given my dad a	14	anything ever happened, we would have somebody qualified	
15	resource book on hazardous materials handling equipment.	15	to, you know, be there to help. You know, if it came	
16	He my dad also gave David some contacts for	16	over if there was an accident, I guess, you know.	
17	Hazmat training for tribal members, and David Edmunds was	17	Q. You also mentioned the Army Corps of Engineers.	
18	going to follow up on that.	18	Is that the first time you'd ever heard of the Army Corps	
19	And then my dad was going to go was told about	19	of Engineers?	
20	the government reimbursement funding, he wanted let's	20	A. Myself, yes.	
21	see.	21	Q. Do you know if any members of the tribe have any	
22	And my dad, Don, just wanted David to look through	22	contact with the Army Corps of Engineers?	
23	the catalog of Hazmat equipment, order the basics; masks,	23	A. No, I don't know.	
24	gloves, boots.	24	Q. In that first meeting, was there discussion about	
25	And my dad, Don, would like to come with the	25	prior environmental efforts by the tribe?	
			75	
_		1	A Vos. My dad and I netwally - and I can't	_
1	Pinoleville the tribe staff to walk on the creek with			
1 2	Pinoleville the tribe staff to walk on the creek with Fish and Wildlife on August 14th and 15th. He wants to	24.41	A. Yes. My dad and I actually and I can't	
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	April 7	, 20	800
1	In that '97 report that was the grant was given	1	MR. HERB: Okay. I'm going to mark this as
2	for, the tribe made reference that there was the tribe	2	Defendants' Exhibit 2, which is I'm going to represent
3	had buried a string of automobiles in the	3	that this document is what was provided to me at the
4	MR. BIGGS: Objection. Assumes facts in evidence.	4	beginning of this deposition as responsive to our earlier
5	MR. HERB: Okay.	5	discussions this morning, which were discussing my Notice,
6	Q. At any rate, what I'm asking is, in that first	6	and I asked for the specific people to be identified.
7	meeting of the Environmental Association in 2006, did they	7	I'll leave it to the Court to determine what the
8	refer to the work that had been done in 2007 [sic], that	8	representations were. But I just want that on the record,
9	had identified the problem that the tribe had reported in	9	that it was represented to me or my understanding of taking
10	1997?	10	this deponent's deposition was that she was going to give
11	MR. BIGGS: Objection; calls for hearsay as to	11	me the history of the Association.
12	"they." They're not here today.	12	(Defendants' Exhibit No. 2 was
13	BY MR. HERB:	40	marked for identification.)
14	Q. Okay. If you know.	13	DV MD HEDD.
15	A. No, not no. Not that I know of.	15	BY MR. HERB: Q. Is there someone you know, Ms. Webb, that's more
16	Q. So no one at the 2006 meeting said, "We already	16	knowledgable than you about the Association's history?
17	did a study in"	17	A. David Edmunds.
18	A. No, no.	18	Q. And do you know how your name came to be placed on
19	Q. Other than the auto dismantler and the trucks	19	this list as being the most knowledgable person to the
20	going by on the freeway, what other kinds of environmental	20	Association's history?
21	concerns were identified?	21	A. No.
22	A. In our first meeting?	22	Q. Did you put it on there?
23	Q. Yes.	23	A. No.
24	A. That was all that was discussed in our first	24	Q. Did you ever represent to anyone that you were the
25	meeting.	25	most knowledgable person as to the Association's history?
	77		79
1	Q. And then the notice that we received from your	1	MR. BIGGS: Objection as to definition of "most
2	lawyer said that you were being designated to tell us about	2	knowledgable person."
3	the Association's history, so I just want to make sure.	3	MR. HERB: Well, our Deposition Notice was for the
4	That was the very first meeting of the Environmental	4	most knowledgable person.
5	Association?	5	MR. BIGGS: We had a long conversation on the
6	A. Yes. In fact, it was on July of 2007.	6	record, and I also told you that, being that it took so
7	Q . July of 2007 or 2006?	7	long to get this started, two individuals had to leave to
8	A. Seven. Actually, our first when we started, it	8	go tend to the Head Start School. So they would have been
9	,	9	on this list but they're not here because we started this
10	of '07, the one I read to you.	10	thing at 11:00 and we never got into the substance of it
11	Q. Okay. So about three months after you filed this	11	until 15 minutes ago and now they had to go back to the
77	lawsuit against my client, you had this meeting?	12	school.
13	A. I'm not sure when our very, very first actual	13	MR. HERB: So
14	meeting was. I just have '07 here.	14	MR. BIGGS: So we had at one time, we had 30
15	Q. Okay. Well, the designation said you're the	15	people outside; and, now that time has gone by, they're all
16	expert on the Association history, so I'm just trying to	16	gone. She's one of the few people that remains.
17	find out from you	17	BY MR. HERB:
18	MR. BIGGS: Objection; it doesn't say she's the	18	Q. So I guess what I'm asking is and maybe the
19	expert. In fact, I had said on the record that Dr. Edmunds	19	two people that your lawyer is talking about that aren't
20	is the one who will give the, if you want to call it,	20	here, they are the most knowledgable person, then, as to
21	expert testimony on the history.	21	the Association history. Is that right?
22	I think that you may want to direct questions to	22	A. I believe David Edmunds is the most knowledgable
23	Dr. Edmunds, you know, for the total history. I think you	23	person.
24	may find that people have come and gone into the	24	Q. So do you know any reason that we couldn't get the history of the Association from someone who is here now?
25	Association. 78	25	80
1			

April 7 2008

	April 7	, 20	100
1	A. Can you rephrase.	1	(Witness provides notes to Mr. Neary.)
2	Q. Is somebody gone that we would need to have here	2	MR. NEARY: Is it all right if we have these
3	in order to get the history of the Association?	3	marked?
4	A. No.	4	MR. BIGGS: Yeah; if we could make copies and
5	Q. Is there someone more knowledgable than	5	such, fine.
6	Mr. Edmunds and you as to the	6	THE REPORTER: Is it all right to mark this or
7	A. No.	7	would you prefer a copy be marked?
8	Q. So what I'm asking you is you know, at the	8	MR. BIGGS: A copy marked.
9	beginning of the deposition, you told me you hadn't	9	Oh, wait. I'm sorry. If those it's fine to
10	reviewed the Deposition Notice, and then you said your name	10	mark those. You don't have to mark a copy. I'm just
11	didn't you didn't put your name on as the most	11	saying we just need a copy that has been marked.
12	knowledgable person, and I'm asking if you know how your	12	(Defendants' Exhibit No. 3 was
13	name was offered up as the most knowledgable person		marked for identification.)
14	MR. BIGGS: Objection.	13	
15	BY MR. HERB:	14	
16	Q regarding the Association.	15	EXAMINATION
17		16	BY MR. NEARY:
	MR. BIGGS: There's nothing on Defendants'	17	Q. Hi. My name is Chris Neary, and I'm representing
18	Exhibit 1 that indicates that she is the most knowledgable	18	Ukiah Auto Dismantlers and Wayne Hunt.
19	person. You're assuming facts that aren't in evidence	19	We've marked Exhibit 3, which you've brought here
20	here.	20	with you today. Let me understand. Was it your
21	They're not here. I don't see anywhere on this	21	understanding that the meeting that you held in June of
22	where it says, "Alicia Webb."	22	2006 was the first meeting of the Association?
23	It says, "Alicia Webb Association History."	23	 I don't remember if that was our first meeting.
24	She's telling you from the basis of her personal knowledge,	24	That's when we first agreed to start the Association. I
25	which is the foundation for her to give testimony today,	25	don't remember when our exact first meeting was. That's
	81	-	83
1	her perception of the history, which is what is in her own	1	just when we formed it; my dad asked me and I said, "Yes,
2	personal knowledge.	2	I'd be on the
3	MR. HERB: Okay.	3	Q. So it was your understanding that there had been
4	MR. BIGGS: That's what she's doing.	4	no meetings prior to that June
5	BY MR. HERB:	5	A. Yes, that was my understanding.
6	Q. I'm not trying to trick anyone. I'm just trying		Q. Okay. And when was the next meeting after the
	The first of the contract of t	6	Ckay. And When was the next meeting area are
7	to get to the bottom of this. And that's fine. If you're	7	June 2006 meeting?
7 8		1000	
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8	to get to the bottom of this. And that's fine. If you're going to represent to me that you're not the most	7 8	June 2006 meeting? A. I don't remember.
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	to get to the bottom of this. And that's fine. If you're going to represent to me that you're not the most knowledgable person here today to talk about the Association history is that true? You're not the most knowledgable person? A. That's true. Q. And is someone more knowledgable than you here right now? A. Yes. Q. Okay. And so if I was to ask about the Association's history, you believe I'd be better off to talk to Dr. Edmunds. Is that correct? A. Yes. Q. Okay. I'm not sure if it makes sense for me to ask any more questions of this deponent. Do you have any questions?	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I don't remember. Q. Were minutes kept of all of the meetings? A. Yes. Q. Were minutes kept of the June 2006 meeting? A. I'm assuming so. Q. But you don't have those. A. I don't. Q. And this Exhibit 3, these are minutes that have been sent to you by David? A. David Edmunds. Q. David Edmunds. A. David Edmunds. And they they represent all of the first of all, they represent all of the meetings of the Association? A. Those are not all of the meetings, I don't believe. Q. Okay. So you think there was other meetings. A. Yes.